

**Department of Water Resources
Division of Flood Management**

**Proposed Modifications to
Early Implementation Program
Draft Guidelines**

October 2008

Modification No. 1

- Question:** How will the Department cost-share a Project for work in multiple Areas?
- Response:** Multi-Area Projects that are being studied for federal authorization will be cost-shared based on the Supplemental Benefits provided by the proposed work in all of the Areas.
- Modification(s):** The Department will add the following footnote to Page 38 of the EIP *Guidelines*:
- “In the event that a Project is for work in one Area that is part of a federal feasibility study or reevaluation that, in the determination of the Department, is likely to result in federal authorization of work beyond that Area, the Project will be cost-shared based on the Supplemental Benefits provided in all of the Areas where work is likely to be authorized.”

Modification No. 2

- Question:** How will the Department incorporate non-Project Levees into the Area Project and Area Plans?
- Response:** The Department will require Local Agencies to evaluate, where applicable, all non-Project Levees and add this analysis to their Area Projects and Area Plans.
- Modification(s):** The Department will make the following changes to the EIP *Guidelines*:
- Page 3: Add the following sentence to the definition of Area Plan: “The Area Plan must address the Project Levees *and* non-Project Levees that are necessary for protecting the Area.”
- Page 3: Add the following sentence to the definition of Area Project: “Area Projects must incorporate non-Project Levees within the Area that are necessary for protecting the Area.”
- Page 15: Add the following sentence to the first paragraph of Area Plan and Area Project Spending Cap: “In Non-Urban and Urban Areas, the Area Plan and Area Project(s) should assess (and where feasible, incorporate) existing Project *and* necessary non-Project Levees in the Area.”

Modification Number 3

- Question:** What will the Department do if an Applicant requests an entire Area Project as an EIP and the Project merits approval but funding it will be impossible in the current EIP cycle?
- Response:** The Department has the discretion to decide to only fund one Project Element at a time.

Modification(s): The Department will make the following changes to the EIP *Guidelines*:

Page 1-2: Add the following sentence: “This application and selection process not withstanding, the Department reserves the right to implement meritorious Projects in a manner feasible for the Department. If, for example, a Local Agency were to propose a full Area Project in the first EIP cycle, the Department retains the right to fund only an Element of that Area Project in any given EIP year.”

Page 24: Add the following sentence to the first paragraph of criterion 1: “Project work should be scheduled for completion before November 2010. If a Project will take longer than that, the Department will consider approving, for the current EIP funding cycle, one Project Element in lieu of the entire endeavor.”

Modification Number 4

Question: Does an Open-Space Area need to be currently identified in the Open-Space element or other aspect of a Local Agency general plan?

Response: No; however, the Open-Space Area must be either designated in the current Open-Space element or other aspect of the Local Agency’s general plan or slated for addition to the Open-Space element in the next general plan revision.

Modification(s): The Department will make the following change to the EIP *Guidelines*:

Page 5: Modify the last sentence of the Open-Space definition to read: “The Open-Space is either designated on an Open-Space or general plan or will be designated upon the next revision of the Open-Space element of a general plan. Open-Space is designated as any of the following:”

Modification Number 5

Question: Is application to the Corps always required?

Response: Yes; however, the Department can waive the requirement.

Modification(s): The Department will make the following change to the EIP *Guidelines*:

Page 49: Add the following sentence to “Application to the Corps”: “The Department may, at its sole discretion, waive this requirement.”